

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 5-401.3 as follows:

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

7 Sec. 5-401.3. Scrap processors required to keep records;
8 payment method for recyclable metal.

9 (a) Every person licensed or required to be licensed as a
10 scrap processor pursuant to Section 5-301 of this Chapter shall
11 maintain for 3 years, at his established place of business, the
12 following records relating to the acquisition of recyclable
13 metals or the acquisition of a vehicle, junk vehicle, or
14 vehicle cowl which has been acquired for the purpose of
15 processing into a form other than a vehicle, junk vehicle or
16 vehicle cowl which is possessed in the State or brought into
17 this State from another state, territory or country. No scrap
18 metal processor shall sell a vehicle or essential part, as
19 such, except for engines, transmissions, and powertrains,
20 unless licensed to do so under another provision of this Code.
21 A scrap processor who is additionally licensed as an automotive
22 parts recycler shall not be subject to the record keeping
23 requirements for a scrap processor when acting as an automotive

1 parts recycler.

2 (1) For a vehicle, junk vehicle, or vehicle cowl
3 acquired from a person who is licensed under this Chapter,
4 the scrap processor shall record the name and address of
5 the person, and the Illinois or out-of-state dealer license
6 number of such person on the scrap processor's weight
7 ticket at the time of the acquisition. The person disposing
8 of the vehicle, junk vehicle, or vehicle cowl shall furnish
9 the scrap processor with documentary proof of ownership of
10 the vehicle, junk vehicle, or vehicle cowl in one of the
11 following forms: a Certificate of Title, a Salvage
12 Certificate, a Junking Certificate, a Secretary of State
13 Junking Manifest, a Uniform Invoice, a Certificate of
14 Purchase, or other similar documentary proof of ownership.
15 The scrap processor shall not acquire a vehicle, junk
16 vehicle or vehicle cowl without obtaining one of the
17 aforementioned documentary proofs of ownership.

18 (2) For a vehicle, junk vehicle or vehicle cowl
19 acquired from a person who is not licensed under this
20 Chapter, the scrap processor shall verify and record that
21 person's identity by recording the identification of such
22 person from at least 2 sources of identification, one of
23 which shall be a driver's license or State Identification
24 Card, on the scrap processor's weight ticket at the time of
25 the acquisition. The person disposing of the vehicle, junk
26 vehicle, or vehicle cowl shall furnish the scrap processor

1 with documentary proof of ownership of the vehicle, junk
2 vehicle, or vehicle cowl in one of the following forms: a
3 Certificate of Title, a Salvage Certificate, a Junking
4 Certificate, a Secretary of State Junking Manifest, a
5 Certificate of Purchase, or other similar documentary
6 proof of ownership. The scrap processor shall not acquire a
7 vehicle, junk vehicle or vehicle cowl without obtaining one
8 of the aforementioned documentary proofs of ownership.

9 (3) In addition to the other information required on
10 the scrap processor's weight ticket, a scrap processor who
11 at the time of acquisition of a vehicle, junk vehicle, or
12 vehicle cowl is furnished a Certificate of Title, Salvage
13 Certificate or Certificate of Purchase shall record the
14 Vehicle Identification Number on the weight ticket or affix
15 a copy of the Certificate of Title, Salvage Certificate or
16 Certificate of Purchase to the weight ticket and the
17 identification of the person acquiring the information on
18 the behalf of the scrap processor.

19 (4) The scrap processor shall maintain a copy of a Junk
20 Vehicle Notification relating to any Certificate of Title,
21 Salvage Certificate, Certificate of Purchase or similarly
22 acceptable out-of-state document surrendered to the
23 Secretary of State pursuant to the provisions of Section
24 3-117.2 of this Code.

25 (5) For recyclable metals valued at \$100 or more, the
26 scrap processor shall, for each transaction, record the

1 identity of the person from whom the recyclable metals were
2 acquired by verifying the identification of that person
3 from one source of identification, which shall be a valid
4 driver's license or State Identification Card, on the scrap
5 processor's weight ticket at the time of the acquisition
6 and by making and recording a photocopy or electronic scan
7 of the driver's license or State Identification Card. Such
8 information shall be available for inspection by any law
9 enforcement official. If the person delivering the
10 recyclable metal does not have a valid driver's license or
11 State Identification Card, the scrap processor shall not
12 complete the transaction. The inspection of records
13 pertaining only to recyclable metals shall not be counted
14 as an inspection of a premises for purposes of subparagraph
15 (7) of Section 5-403 of this Code.

16 This subdivision (a) (5) does not apply to electrical
17 contractors, to agencies or instrumentalities of the State
18 of Illinois or of the United States, to common carriers, to
19 purchases from persons, firms, or corporations regularly
20 engaged in the business of manufacturing recyclable metal,
21 in the business of selling recyclable metal at retail or
22 wholesale, or in the business of razing, demolishing,
23 destroying, or removing buildings, to the purchase by one
24 recyclable metal dealer from another, or the purchase from
25 persons, firms, or corporations engaged in either the
26 generation, transmission, or distribution of electric

1 energy or in telephone, telegraph, and other
2 communications if such common carriers, persons, firms, or
3 corporations at the time of the purchase provide the
4 recyclable metal dealer with a bill of sale or other
5 written evidence of title to the recyclable metal. This
6 subdivision (a)(5) also does not apply to contractual
7 arrangements between dealers.

8 (b) Any licensee who knowingly fails to record any of the
9 specific information required to be recorded on the weight
10 ticket required under any other subsection of this Section, or
11 Section 5-401 of this Code, or who knowingly fails to acquire
12 and maintain for 3 years documentary proof of ownership in one
13 of the prescribed forms shall be guilty of a Class A
14 misdemeanor and subject to a fine not to exceed \$1,000. Each
15 violation shall constitute a separate and distinct offense and
16 a separate count may be brought in the same complaint for each
17 violation. Any licensee who commits a second violation of this
18 Section within two years of a previous conviction of a
19 violation of this Section shall be guilty of a Class 4 felony.

20 (c) It shall be an affirmative defense to an offense
21 brought under paragraph (b) of this Section that the licensee
22 or person required to be licensed both reasonably and in good
23 faith relied on information appearing on a Certificate of
24 Title, a Salvage Certificate, a Junking Certificate, a
25 Secretary of State Manifest, a Secretary of State's Uniform
26 Invoice, a Certificate of Purchase, or other documentary proof

1 of ownership prepared under Section 3-117.1(a) of this Code,
2 relating to the transaction for which the required record was
3 not kept which was supplied to the licensee by another licensee
4 or an out-of-state dealer.

5 (d) No later than 15 days prior to going out of business,
6 selling the business, or transferring the ownership of the
7 business, the scrap processor shall notify the Secretary of
8 that fact. Failure to so notify the Secretary of State shall
9 constitute a failure to keep records under this Section.

10 (e) Evidence derived directly or indirectly from the
11 keeping of records required to be kept under this Section shall
12 not be admissible in a prosecution of the licensee for an
13 alleged violation of Section 4-102(a) (3) of this Code.

14 (f) A scrap processor may not pay for the purchase of
15 recyclable metal with cash if the purchase price for the
16 recyclable metal is \$100 or more.

17 (Source: P.A. 95-253, eff. 1-1-08; 95-979, eff. 1-2-09.)

18 Section 10. The Criminal Code of 1961 is amended by adding
19 Section 16-1.4 as follows:

20 (720 ILCS 5/16-1.4 new)

21 Sec. 16-1.4. Possession or transportation of stolen
22 ferrous or nonferrous metal; property damage caused by
23 obtaining ferrous or nonferrous metal; disruption of service.

24 (a) Possession or transportation of stolen ferrous or

1 nonferrous metal.

2 (1) A person commits possession or transportation of
3 ferrous or nonferrous metal when he or she possesses,
4 possesses in a vehicle, or transports in a vehicle stolen
5 ferrous or nonferrous metal, including but not limited to
6 copper, HVAC (heating, ventilation, air-conditioning)
7 components, and catalytic converters.

8 (2) A person commits possession or transportation of
9 ferrous or nonferrous metal when he or she:

10 (A) transports in a vehicle ferrous or nonferrous
11 metal that the person knows or reasonably should know
12 is stolen;

13 (B) possesses in a vehicle on the highways of this
14 State ferrous or nonferrous metal that the person knows
15 or reasonably should know is stolen;

16 (C) operates a vehicle used in the ordinary course
17 of business to transport ferrous or nonferrous metal
18 that the person knows or reasonably should know is
19 stolen;

20 (D) presents a valid or falsified permit to
21 transport and sell ferrous or nonferrous metal that the
22 person knows or reasonably should know is stolen; or

23 (E) presents a valid or falsified bill of sale for
24 ferrous or nonferrous metal that the person knows or
25 reasonably should know is stolen.

26 (b) Property damage caused by obtaining ferrous or

1 nonferrous metal. A person commits property damage caused by
2 obtaining ferrous or nonferrous metal when he or she knowingly
3 cuts, mutilates, defaces, or otherwise injures any personal or
4 real property, including any fixtures or improvements, for the
5 purpose of obtaining ferrous or nonferrous metal in any amount.

6 (c) Disruption of service. A person commits disruption of
7 service when he or she during the commission of the offense of
8 possession or transportation of stolen ferrous or nonferrous
9 metal or the offense of property damage caused by obtaining
10 ferrous or nonferrous metal, he or she causes a disruption of
11 communication or electrical service to critical infrastructure
12 or to more than 10 customers of the communication or electrical
13 service.

14 (d) Exemption from civil liability.

15 (1) A public or private owner of personal or real
16 property is not civilly liable to a person who is injured
17 during the commission or attempted commission of an offense
18 under this Section, by the person or a third party.

19 (2) A public or private owner of personal or real
20 property is not civilly liable for an injury to a person
21 caused by a dangerous condition of the personal property or
22 on the real property created as a result of the commission
23 or attempted commission of an offense under this Section by
24 the person or a third party, unless the owner of the
25 personal or real property knew or reasonably should have
26 known of the dangerous condition.

1 (3) This subsection does not create or impose a duty of
2 care or basis of liability upon an owner of personal or
3 real property that would not otherwise exist under common
4 law or statute.

5 (e) Sentence.

6 (1) Except as provided in paragraphs (6) and (7) of
7 this subsection, a violation of paragraph (a)(1) when the
8 value of the stolen material is \$50 or less is:

9 (A) a Class C misdemeanor for a first offense;

10 (B) a Class A misdemeanor for a second offense; and

11 (C) a Class 4 felony for a third or subsequent
12 offense.

13 (2) Except as provided in paragraphs (6) and (7) of
14 this subsection, a violation of paragraph (a)(1) when the
15 value of the stolen material is more than \$50 is:

16 (A) a Class A misdemeanor for a first offense;

17 (B) a Class 4 felony for a second offense; and

18 (C) a Class 3 felony for a third or subsequent
19 offense.

20 (3) Except as provided in paragraphs (6) and (7) of
21 this subsection, a violation of paragraph (a)(2) is a Class
22 2 felony.

23 (4) Except as provided in paragraphs (6) and (7) of
24 this subsection, a violation of subsection (b) is:

25 (A) a Class 4 felony, if the direct injury to the
26 property, the amount of loss in value to the property,

1 the amount of repairs necessary to return the property
2 to its condition before the act, or the property loss,
3 including fixtures or improvements, is less than
4 \$5,000; and

5 (B) a Class 3 felony, if the direct injury to the
6 property, the amount of loss in value to the property,
7 the amount of repairs necessary to return the property
8 to its condition before the act, or the property loss,
9 including fixtures or improvements, is \$5,000 or more.

10 (5) Except as provided in paragraphs (6) and (7) of
11 this subsection, a violation of subsection (c) is a Class A
12 misdemeanor.

13 (6) A violation of this Section which results in great
14 bodily harm, permanent disability, disfigurement, or a
15 substantial risk of death to another person is a Class 1
16 felony.

17 (7) A violation of this Section which results in the
18 death of another person is a Class X felony.